

REMARKS

No claims are amended. It is believed that the Tracy/Umotoy combination does not establish a *prima facie* case of obviousness to claims 1-14 for the following reasons. Reconsideration and allowance of claims 1-14 is requested in light of the following remarks.

Claim Rejections – 35 USC § 103

Claims 1-14 are rejected under 35U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,612,077 to Tracy et al. (“Tracy”) in view of U.S. Patent No. 6,302,964 B1 to Umotoy et al. (“Umotoy”). The applicant disagrees.

With regard to claim 1, it recites, *inter alia*, an injection plate attached to a bottom surface of the bottom wall, the injection plate having ***grooves on an upper surface of the injection plate that connect the gas inlets*** (emphasis added). It is alleged that Tracy has an injection plate 12 having an upper surface with grooves 68, 70, 72 (FIG. 3). To the contrary, the upper surface of the alleged injection plate 12 has no sign of grooves. The alleged grooves 68, 70, 72 are actually circular plenums located entirely inside the alleged injection plate 12 (FIG. 3; column 3, lines 22-25).

It is not alleged that Umotoy discloses, nor does it disclose, an injection plate having grooves on an upper surface of the injection plate. See, e.g., Umotoy FIG. 6, where the openings 604, 606 of Umotoy FIG. 9 appear as holes, and not grooves that connect the gas inlets. Consequently, the Tracy/Umotoy combination fails to establish *prima facie* obviousness for claim 1 because it does not teach or suggest every feature in the claim (MPEP 2143.03).

Additionally, claim 1 recites, *inter alia*, a body having a bottom wall and a plurality of gas inlets. It is alleged that Tracy teaches a body (20, FIG. 3) having a bottom wall and a plurality of gas inlets (50, 52, 54, 56, 58, 60). To the contrary, Tracy teaches that the support plate 20 has ***only one*** gas inlet 40 from the source 22 (FIG. 3; column 3, lines 10-13; emphasis added). The alleged plurality of gas inlets are actually capillary tubes 50, 52, 54, 56, 58, 60, 62, 64, 66, 68 that form part of the electrode 12 (FIGs. 2 and 3; column 3, lines 19-22). The electrode 12 has already been alleged to be the claimed injection plate that is attached to the bottom surface of the alleged body 20. As can be seen by Tracy FIGs. 2 and 3, the alleged plurality of gas inlets 50, 52, ..., 66, 68 are physically distinct and separate from the alleged body 20. In other words, the alleged gas inlets 50, 52, ..., 66, 68 are not part of the alleged body 20 as recited in claim 1.

Furthermore, the Examiner has agreed that contrary to the features recited in claim 1, Tracy does not teach that the alleged plurality of gas inlets (50, 52, etc.) perforate the alleged bottom wall of the alleged body 20 (page 5, subsection xiii).

It is further alleged (page 6, subsection iii) that Umotoy's faceplate 130 (FIG. 9; column 5, lines 51-53) is the recited body having a bottom wall (148; FIG. 9) with a plurality of gas inlets (204, 206, 210; FIG. 9) that perforate the bottom wall. Thus, Tracy's support plate 20 is apparently being modified or replaced with Umotoy's faceplate 130 to arrive at the claimed invention.

To the contrary, the faceplate 130 taught by Umotoy is not a "body" that is consistent with the features recited in claim 1. The relationship between the recited body and the recited injection plate is clearly defined. Claim 1 requires that the injection plate be attached to a bottom surface of the body. To the contrary, Umotoy's faceplate 130 has a plurality of mounting bores 904 "to facilitate affixing the faceplate 130 to the gas distribution manifold 132" (FIG. 9; column 6, lines 13-18). As shown in FIG. 11, Umotoy's faceplate 130 is mounted to the underside of the gas distribution manifold 132 (column 6, lines 38-41). As shown in FIGs. 9 and 11, there is no injection plate (or any other component) attached to the bottom surface of the faceplate 130. Thus, Umotoy's faceplate 130 may correspond to the recited injection plate, but it does not correspond to the recited body.

Furthermore, it is an intended purpose of Tracy's cooling plate 20 to circulate the coolant 24 and provide for cooling of the electrode 12 (FIG. 3; column 2, lines 58-60). Umotoy's faceplate 130 has no provision for the circulation of coolant (column 5, line 50 to column 6, line 18). Thus, replacing or modifying Tracy's cooling plate 20 with Umotoy's faceplate 130 would render Tracy unsatisfactory for its intended purpose, consequently there can be no suggestion or motivation to make the proposed modification. MPEP 2143.01, *citing In re Gordon* 733 F.2d 900 (Fed. Cir. 1984).

For the reasons outlined above, the Tracy/Umotoy combination fails to establish *prima facie* obviousness with respect to claim 1 (MPEP 2143).

Claims 2-6 depend from claim 1. Any claim that depends from a nonobvious independent claim is also non-obvious. MPEP 2143.03, *citing In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

With regard to claim 7, it recites, *inter alia*, an injection plate attached to a bottom surface of the body, the injection plate having ***an upper surface with grooves that connect the gas inlets*** (emphasis added). It is alleged that Tracy has an injection plate 12 having an upper surface with grooves 68, 70, 72 (FIG. 3). To the contrary, the upper surface of the



alleged injection plate 12 has no sign of grooves. The alleged grooves 68, 70, 72 are actually circular plenums located entirely inside the alleged injection plate 12 (FIG. 3; column 3, lines 22-25). The circular grooves 34, 36, 38 that are conspicuous in FIG. 2 are seen to be located on a bottom surface of the alleged injection plate 12 (FIG. 3).

It is not alleged that Umotoy discloses, nor does it disclose, an injection plate having an upper surface with grooves. See, e.g., Umotoy FIG. 6, where the openings 604, 606 of Umotoy FIG. 9 appear as holes, and not grooves that connect the gas inlets. Consequently, the Tracy/Umotoy combination fails to establish *prima facie* obviousness for claim 7 because it does not teach or suggest every feature in the claim (MPEP 2143.03).

Claims 8-14 depend from claim 7. Any claim that depends from a nonobvious independent claim is also nonobvious. MPEP 2143.03, *citing In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Conclusion

For the foregoing reasons, reconsideration and allowance of claims 1-14 of the application as amended is requested. Please telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Customer No. 20575

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

Scott A. Schaffer
Reg. No. 38,610

MARGER JOHNSON & McCOLLOM, P.C.
1030 SW Morrison Street
Portland, OR 97205
503-222-3613

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Technology Center 2600